

## National Credit Union Administration

§ 797.1

(b) *Example.* An NCUA resident corporate credit union examiner assigned to work at a federally insured, corporate credit union for two or more months during the last 12 months of that individual's employment with NCUA will be subject to the one-year prohibition of this section.

### § 796.4 When do these special restrictions become effective and may they be waived?

The post-employment restrictions in section 1786(w) of the Act and § 796.3 do not apply to any current or former NCUA employee, if:

(a) The individual ceased to be an NCUA employee on or before December 17, 2005; or

(b) The Chairman of the NCUA Board certifies in writing and on a case-by-case basis that granting the senior examiner a waiver of the restrictions would not affect the integrity of the NCUA's supervisory program.

### § 796.5 What are the penalties for violating these special post-employment restrictions?

(a) *Penalties under section 1786(w)(5) of the Act.* An NCUA senior examiner who violates the post-employment restrictions set forth in § 796.3 can be:

(1) Removed from participating in the affairs of the relevant credit union and prohibited from participating in the affairs of any federally insured credit union for a period of up to five years; and, alternatively, or in addition,

(2) Assessed a civil monetary penalty of not more than \$250,000.

(b) *Other penalties.* The penalties in paragraph (a) of this section are not exclusive, and a senior examiner who violates the restrictions in § 796.3 also may be subject to other administrative, civil, and criminal remedies and penalties as provided in law.

### § 796.6 What other definitions and rules of construction apply for purposes of this part?

For purposes of this part, a person shall be deemed to act as a "consultant" for a federally insured credit union or other company only if the person works directly on matters for, or on behalf of, such credit union.

## PART 797—PROCEDURES FOR DEBT COLLECTION

### Subpart A—Scope, Purpose, Definitions and Delegation of Authority

Sec.

797.1 Scope.

797.2 Purpose.

797.3 Definitions.

797.4 Delegation of authority.

### Subpart B—Administrative Offset

797.5 Authority and scope.

797.6 Administrative offset prior to completion of procedures.

797.7 Procedures.

797.8 Right to agency review.

797.9 Review procedures.

797.10 Special review.

797.11 Interest, administrative costs, and penalties.

797.12 Refunds.

797.13 Requests for administrative offset where NCUA is the creditor agency.

797.14 Requests for administrative offset where NCUA is the paying agency.

797.15 Administrative offset against amounts payable from Civil Service Retirement and Disability Fund.

797.16 Stay of offset.

### Subpart C—Salary Offset

797.17 Authority and scope.

797.18 Notice requirements where NCUA is the creditor agency.

797.19 Review of agency records related to the debt.

797.20 Procedures to request a hearing.

797.21 Hearing procedures.

797.22 Voluntary repayment agreement.

797.23 Certification where NCUA is the creditor agency.

797.24 Certification where NCUA is the paying agency.

797.25 Recovery from final check or other payments due a separated employee.

AUTHORITY: 12 U.S.C. 1752a; 5 U.S.C. 5514; 31 U.S.C. 3711, 3716, 3720A, 3720D.

SOURCE: 73 FR 11341, Mar. 3, 2008, unless otherwise noted.

### Subpart A—Scope, Purpose, Definitions and Delegation of Authority

#### § 797.1 Scope.

This part establishes NCUA procedures for the collection of certain debts owed to the United States.

(a) This part applies to collections by NCUA from: